

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.18634 OF 2024**

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Samina Raza Murad & Ors.

..... Petitioners

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Mukesh Gupta i/b.M/s.Solicis Lex for the petitioners

Mr. Sandesh Patil i/b. Mr. P.S. Gole for respondent No.6

Mr. O. A. Chandurkar, Additional Government Pleader a/w.
Ms. G. R. Rahuwanshi, AGP for respondent Nos.1 to 4

Mr. Madhavrao P. Desai, Authorised Officer of Mayfair CHS Ltd. -
respondent No.7

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE : JANUARY 30, 2025

ORDER (PER : CHIEF JUSTICE)

1. With consent of the learned Counsel for the parties, the petition is heard finally.

2. In this petition, the petitioners assail the validity of the order dated 11th July 2023 passed by respondent No.3. The petitioners had filed revision before respondent No.2, however, the revision preferred by the petitioners was not decided. Thereupon, the petitioners approached this Court by filing a writ petition No.16172 of 2024 which was disposed of by an order dated 14th November 2024 with a direction to respondent No.2 to decide the revision preferred by the petitioners.

3. Respondent No.2 – Additional Chief Secretary (Cooperation & Textile), thereupon passed order dated 4th December 2024 by which stay to the original order dated 14th June 2024 was granted. However, respondent Nos.4, 7 and 8 refused to comply with the order dated 4th December 2024 passed by respondent No.2. Thereupon, the petitioners have filed this petition wherein a relief has been sought seeking a direction to the respondents not to give effect to the elections which are held on 8th December 2024. The petitioners, in addition, have sought enforcement of order dated 4th December 2024.

4. It is not in dispute that the aforesaid order has been passed in exercise of powers under Section 75(5) of the Maharashtra Cooperative Societies Act, 1960 (**Act of 1960**). It is also not in dispute that the petitioners have the statutory remedy of a raising dispute under Section 91 of the Act of 1960.

5. Learned Counsel for the petitioners fairly submits that they be granted liberty to raise the dispute under Section 91 of the Act of 1960 and interim relief granted by this Court be directed to be continued till the application for stay is taken up by the authority dealing with the dispute under Section 91 of the Act of 1960.

6. The aforesaid prayer has not been opposed by learned Counsel for respondent No.6.

7. In view of the aforesaid submissions and taking into account the well settled legal proposition that the jurisdiction of

this Court under Article 227 of the Constitution of India normally would not be invoked if the statutory alternative efficacious remedy is available to the petitioners.

8. We are inclined to relegate the petitioners to avail the alternate remedy. The petitioners, if so advised, may file application under Section 91 of the Act of 1960 along with an application for stay.

9. Needless to state that the application for stay shall be decided by the authority dealing with the dispute within a period of four weeks from today, till then the interim order dated 17th December 2024 granted by the Division Bench of this Court after hearing the parties and by a reasoned order, shall continue till the application for stay is decided by the competent authority under section 91 of the Act of 1960.

10. It is clarified that this Court has not expressed any opinion on the merits of the petition.

11. Accordingly, the writ petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)